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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/681,948

06/29/2001

Scott C. Harris

Shape

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09/06/2006

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EXAMINER

COUSO, YON JUNG

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,948

Applicant(s)

HARRIS, SCOTT C.

Examiner

Yon Couso

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 1, 6-9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 10, 11, 18, 19, 20, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2624

1. Applicant's arguments with respect to claims 1, 6, 7, 8, 9, 12, and 13 have been considered but are moot in view of the new ground(s) of rejection.
2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, "obtaining information from the real-life object about other objects in the image" is vague and indefinite as to exactly what information is being obtained.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsugu et al (US Patent No. 6,463,176) in view of Klann (US Patent No. 4,457,296).

As per claim 1, Matsugu teaches a method comprising: analyzing an image to recognize actual objects within the image (column 11, lines 59-67); and replacing recognized actual objects within the image by an indication representing the recognized part (column 11, line 67-column 12, line 6). Even though Matsugu does not teach details on real-life object, Matsugu clearly teaches replacing recognized objects within the image by an indication representing the recognized part. Klann teaches replacing recognized real-life objects within the image by an indication representing the real-life object (figure 4 and column 2, line 67-column 3, line 3). It would have been obvious to

one of ordinary skill in the art to incorporate real-life object into Matsugu because Matsugu already teaches replacing recognized objects within the image by an indication representing the recognized part. Mere incorporation of real-life objects taught in Klann into an image recognition method including feature extraction taught in Matsugu would have been an obvious modification for one of ordinary skill in the art given the references at the time the invention was made.

As per claim 6, Matsugu teaches obtaining information about subparts of the actual object (32 in figure 3). With regard to real-life object, see claim 1 above.

As per claim 7, the building 35 inherently include street address and possible name of the building.

As per claim 9, Matsugu teaches an image analyzing device, comprising: an image obtaining device, obtaining a n electronic file indicative of an image (A1 and A7 in figure 1A); a database, storing a plurality of image parts representing likely parts which may exist in the image (A10 in figure 1A); and an image processing device, processing the electronic file to recognize parts within the electronic file that correspond to the image parts in the database (A8 in figure 1A and column 4, lines 34-43), and to provide a modified electronic file, indicative of the image, which replaces the recognized parts with indications representing the recognized parts based on information in the database (column 6, lines 36-44). With regard to real-life object, see claim 1 above.

For claim 12, Matsugu teaches recognizing actual objects in the image, and finds image parts in the database, which correspond to the actual object (column 12, lines 56-64). With regard to real-life object, see claim 1 above.

For claim 13, Matsugu teaches storing information indicative of other objects in the image which may be appear near the actual objects, and wherein the image processing device processes the electronic file to look for the other objects (column 13, line 57-column 14, line 32). With regard to real-life object, see claim 1 above.

4. Claims 2, 3, 10, 11, 18, 19, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

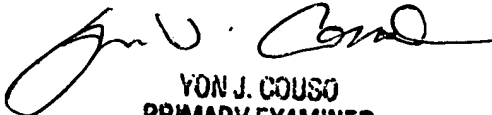
5. Claims 14-17 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (571) 272-7448. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu, can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yjc
September 4, 2006


YON J. COUSO
PRIMARY EXAMINER